IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12910 of 2004

Between:

1 V.Apparao, S/o.Satyam,
R/o.Kistaram (V), Sathupalli (M), Khammam Dist.
2 Vudathaneni Venkateswarao, S/o.Satyam,
R/o.Kistaram (V), Sathupalli (M),Khammam Dist.

..... PETITIONERS

AND

1 State of A.P. rep.by its Prl.Secty, Energy Dept., Secretariat, Hyderabad.
2 The Dist.Collector, Khammam Dist., Khammam.
3 Special Deputy Collector (LA) IPT & Railways, Khammam Dist.
4 M.R.O., Sathupalli (M), Khammam Dist.
5 The General Manager, Singareni Collieries Ltd.,Kothagudem, Khammam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing notification in Rc.No.B/18/2003, dt.16-4-2004 and all pursuant proceedings proposing to acquire petitioners lands and non consideration of their objections, dt.20-05-2004 are illegal, irregular, violative of Art: 14,19, 21 and 300-A of the Constitution of Indian and also the provisions of Land Acquisition Act and consequently direct the respondents not to acquire the petitioners' lands.

Counsel for the Petitioner: Mr. Nimmagadda Satyanarayana, Advocate

for MR.KILARUKHADER BABA, Advocate.

Counsel for Respondents 1 to 4: Govt. Pleader for Land Acquisition.

Counsel for respondent No.5: Mr.K.Srinivasa Murthy, S.C. for Singareni Collieries Limited.

The Court made the following:

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Oral Order:

Rule Nisi.

Sri Nimmagadda Satyanarayana, learned Advocate, representing Mr.Kilaru Khader Baba, learned Counsel for the petitioner, contends that objections filed by the petitioners to the notification issued under Section 4(1) of the Land Acquisition Act, 1894 for acquiring the lands were not considered and disposed of by the respondents. Except that learned counsel has not pointed out any illegality in issuing the notification or arbitrariness in acquiring the said land.

In view of the same, before finalization of the proceedings the respondents shall take into consideration the objections filed by the petitioners and intimate the same to the petitioners.

The writ petition is accordingly disposed of at the stage of admission.

_____ A.GOPAL REDDY, J.

23-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Principal Secretary, State of A.P., Energy Dept., Secretariat, Hyderabad.
2 The District Collector, Khammam Dist., Khammam.
3 Special Deputy Collector (LA) IPT & Railways, Khammam Dist.
4 M.R.O., Sathupalli Mandal, Khammam District.
5**.** Two CCs to the Govt. Pleader for Land Acquisition, High Court

Builidngs,A.P.,Hyderbad (OUT)

6. Two CD copies.